

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

CARMEN WOODS, ET AL.,)	
)	
Plaintiffs,)	
)	
v.)	
)	Case No.: 2:14-cv-02104
SANTANDER CONSUMER USA, INC.,)	
)	
Defendant.)	
)	
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NORMA WILLIAMS, ET AL.,)	
)	
Plaintiffs,)	
)	
v.)	
)	Case No.: 2:15-cv-0919
SANTANDER CONSUMER USA, INC.,)	
)	
Defendant.)	
)	
)	
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**UNITED STATES OF AMERICA’S NOTICE OF INTERVENTION
AND JOINDER OF ARGUMENTS**

On November 13, 2015, Defendant filed a Notice of Constitutional Challenge pursuant to Federal Rule of Civil Procedure 5.1(a) in *Woods v. Santander*, No. 2:14-cv-02104. *See* ECF No. 87. In that Notice, Defendant stated that it “has drawn into question the constitutionality of the Telephone Consumer Protection Act (“TCPA”), 47 U.S.C. § 227 . . . , the regulations promulgated pursuant to the TCPA, *see* 47 C.F.R. § 1200, and the orders of the Federal Communications Commission interpreting the TCPA.” *Id.* at 1–2. On December 23, the United States acknowledged the constitutional question and sought an extension of time in which to intervene. *See* ECF No. 92. The United States then filed a notice of intervention and a brief in support of the TCPA’s constitutionality on February 26. *See* ECF Nos. 95, 96. The Court

certified the constitutional question on June 3, 2016. *See* ECF No. 103.

On June 1, 2015, Plaintiffs Norma Williams *et al.* filed a second lawsuit against Defendant pursuant to the TCPA. *Williams v. Santander*, No. 2:15-cv-919-MHH (N.D. Ala.), ECF No. 1. On October 19, 2015, that case was associated with *Woods*. *See* Minute Entry of October 19, 2015. Expressly incorporating the constitutional arguments it previously raised in *Woods*, Defendant subsequently moved for judgment on the pleadings in *Williams*. *See* ECF No. 50. Defendant filed a notice of constitutional question pursuant to Rule 5.1(a) the same day. *See* ECF No. 51. In opposing the motion, the *Williams* Plaintiffs adopted its prior arguments from *Woods*. *See* ECF No. 55.

As in *Woods*, the United States is authorized to intervene to defend the constitutionality of the TCPA. 28 U.S.C. § 2403(a). Because the constitutional arguments are identical to those previously addressed in *Woods*, the United States hereby provides notice of intervention and expressly incorporates the arguments it advanced in *Woods* in defense of the constitutionality of the TCPA. *See* ECF No. 96 (*Woods* docket). Defendant's motion for judgment on the pleadings should be denied.

DATED: August 16, 2016

Respectfully submitted,

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/s/ Bailey W. Heaps
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing Acknowledgement and Motion was filed electronically through the Northern District of Alabama Electronic Filing System. Notice of this filing will be sent by operation of the court's Electronic Filing System to all registered users in this case.

/s/ Bailey W. Heaps

BAILEY W. HEAPS